



PUBLIC NOTICE

US Army Corps
of Engineers
Baltimore
District

In Reply to Application Number:
**CENAB-OP-RMN(BA DEPRM/DUCK & DEEP
CREEKS/DREDGING)06-61454-12**

PN-06-26

Comment Period: May 8,2006 to June 8,2006

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant Section 10 of the River and Harbors Act of 1899 and section 404 of Clean Water Act (33 U.S.C. 1344i as described below:

APPLICANT: Baltimore County DEPRM
Attn: Candace L. Croswell
Room 416
401 Bosley Avenue
Towson, Maryland 21204

LOCATION: Duck & Deep Creeks, Baltimore County, Maryland

WORK: To (a) Hydraulically or mechanically dredge a main channel. (b) Dredge 13 spur channels (12 residential under the County's authorization & 1 commercial under separate authorization) as described below. (c) Construct 2 new piers and, extend 5 existing piers, as described below. All activities would occur in the waters of Duck & Deep Creeks located off of Back River in Baltimore County, Maryland. The main channel would be dredged to a depth of -4.5 feet below mean low water in four distinct sections. Section 'A', leading into Duck & Deep Creeks from Back River, would be 2,245 feet in length and 50 feet in width. Section 'B' would be 425 feet in length and 30 feet in width. Section 'C' would be 975 feet in length and 30 feet in width. Section 'D' would be 525 feet in length and 30 feet in width. Dredging would result in the removal of approximately 13,352 cubic yards of material from the main channel sections and, 2,493 cubic yards from the spurs. Spoils would be deposited at the Hart Miller Island Disposal Site. The construction of new piers and the extension of existing piers would result in impacts to 1990 square feet of open water. The authorization for the proposed dredging, if approved, would stipulate periodic maintenance dredging for 10 years, subject to prior notification of the District Engineer and the availability of an approved disposal site for the dredged materials. The purpose of the project is to improve navigable access to local waterfront property owners.

All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Steve Elinsky at 410.962.4503.

Spurs/Piers:

Spur #1 Justin & Jennifer Stass have requested that the County dredge a 1810 square foot spur, located 45 feet channelward of mean high water (MHW) that would be dredged to a depth of -4.0 feet, where 221 cubic yards of materials would be removed. A 10-year maintenance dredging clause would be granted to the Stass' under separate authorization (**Tracking #200601780**).

Spur #2 Thomas Hargis has requested that the County dredge a 1893 square foot spur, located 30 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 230 cubic yards of material would be removed. Mr. Hargis has requested authorization for a 45' X 6' pier extension. The pier extension and a 10-year maintenance dredging clause would be granted Mr. Hargis under separate authorization (**Tracking #200661466**).

Sour #3 Patrick Brzozowski has requested that the County dredge a 1110 square foot spur located 50 feet channelward of MHW that would be dredged to a depth of -4.0, where 123 cubic yards of material would be removed. Mr. Brzozowski has requested authorization for a 50' X 5' pier extension and two mooring piles. The pier extension, mooring piles and a 10-year maintenance dredging clause would be granted to Mr. Brzozowski under separate authorization (**Tracking #20066147**).

Spur #4 Frank Grap has requested that the County dredge a 1259 square foot spur located 45 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 154 cubic yards of material would be removed. A 10-year maintenance dredging clause would be granted to Mr. Grap under separate authorization (**Tracking #200601781**).

Sour #6 Gary Miconi has requested that the County dredge a 842 square foot spur located 56 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 97 cubic yards of material would be removed. Mr. Miconi has requested authorization for a 15' X 4' pier extension and 6 mooring piles. The pier extension, mooring piles and a 10-year maintenance dredging clause would be granted to Mr. Miconi under separate authorization (**Tracking #20066148**).

Spur #7 Jeffrey Underland has requested that the County dredge a 1485 square foot spur located 30 feet channelward of MHW that would be dredged to a depth of -3.5 feet, where 137 cubic yards of material would be removed. A 10-year maintenance dredging clause would be granted to Mr. Underland under separate authorization (**Tracking #200601782**).

Spur #8 Frank Emala has requested that the County dredge a 1050 square foot spur located 85 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 117 cubic yards of material would be removed. A 10-year maintenance dredging clause would be granted to Mr. Emala under separate authorization (**Tracking #200601783**).

Spur #9 Michael & Rebecca Brewer have requested that the County dredge a 2760 square foot spur located 40 feet channelward of MHW that would be dredged to depth of -3.0 feet, where 204 cubic yards of material would be removed. A 10-year maintenance dredging clause would be granted to the Brewer's under separate authorization (**Tracking #200601784**).

Sour #10 Michael & Ella Brewer have requested that the County dredge a 2474 square foot spur located 42 feet channelward of MHW that would be dredged to a depth of -4.0, where 247 cubic yards of material would be removed. A 10-year maintenance dredging clause would be granted to the Brewer's under separate authorization (**Tracking #200601785**).

Spur #11 Michael & Ella Brewer have requested separate authorization to dredge a 2870 square foot commercial spur located 30 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 308 cubic yards of material would be removed. The Brewer's have also requested authorization to construct a 8' X 30' pier extension for their commercial pier operation. The spur, pier extension and a 10-year maintenance dredging clause would be granted under separate authorization (**Tracking #200661455**).

Spur #12 Mark & Melissa Wolinski have requested that the County dredge a 2030 square foot spur located 22 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 263 cubic yards of material would be removed. The Wolinski's have requested authorization for a 95' X 6' pier and two mooring piles. The pier, mooring piles, and a 10-year maintenance dredging clause would be granted to the Wolinski's under separate authorization (**Tracking #200661470**).

Spur #13 Lawrence Conelius has requested that the County dredge a 1310 square foot spur located 20 feet channelward of MHW that would be dredged to a depth of -3.5 feet, where 146 cubic yards of material would be removed. Mr. Conelius has requested authorization for a 60' X 6' pier. The pier and a 10-year maintenance dredging clause would be granted to Mr. Conelius under separate authorization (**Tracking #200661471**).

spur #14 Arthur Ogdahl has requested that the County dredge a 1899 square foot spur located 16 feet channelward of MHW that would be dredged to a depth of -4.0 feet, where 246 cubic yards of material would be removed. Mr. Ogdahl has requested authorization for a 40' X 6' pier extension. The pier extension and a 10-year maintenance dredging clause would be granted to Mr. Ogdahl under separate authorization (**Tracking #200661472**).

Essential Fish Habitat (EFH) Assessment: The Magnuson-Stevens Fishery Conservation Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all

actions, or proposed actions, permitted, funded or undertaken by the agency that may adversely effect EFH. The proposed project lies in or adjacent to EFH as described under MSFCMA for Windowpane Flounder Scouthalmus ~~agulosos~~ (juvenile & adult); Blue Fish Pomatomus saltatrix (juvenile & adult); Summer Flounder Paralichthys dentatus (juvenile & adult). In addition, the egg, larval, juvenile, and adult stages of Red Drum Sciaenops ocellatus, King Mackerel Scomberomorus cavalla, Spanish Mackerel Scomberomorus maculatus, and Cobia Rachycentron canadum, are managed species under the MSFCMA. The project has the potential to adversely effect EFH or the species of concern by loss of spawning, nursery, forage, and/or shelter habitat. The Baltimore District has determined the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department Of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

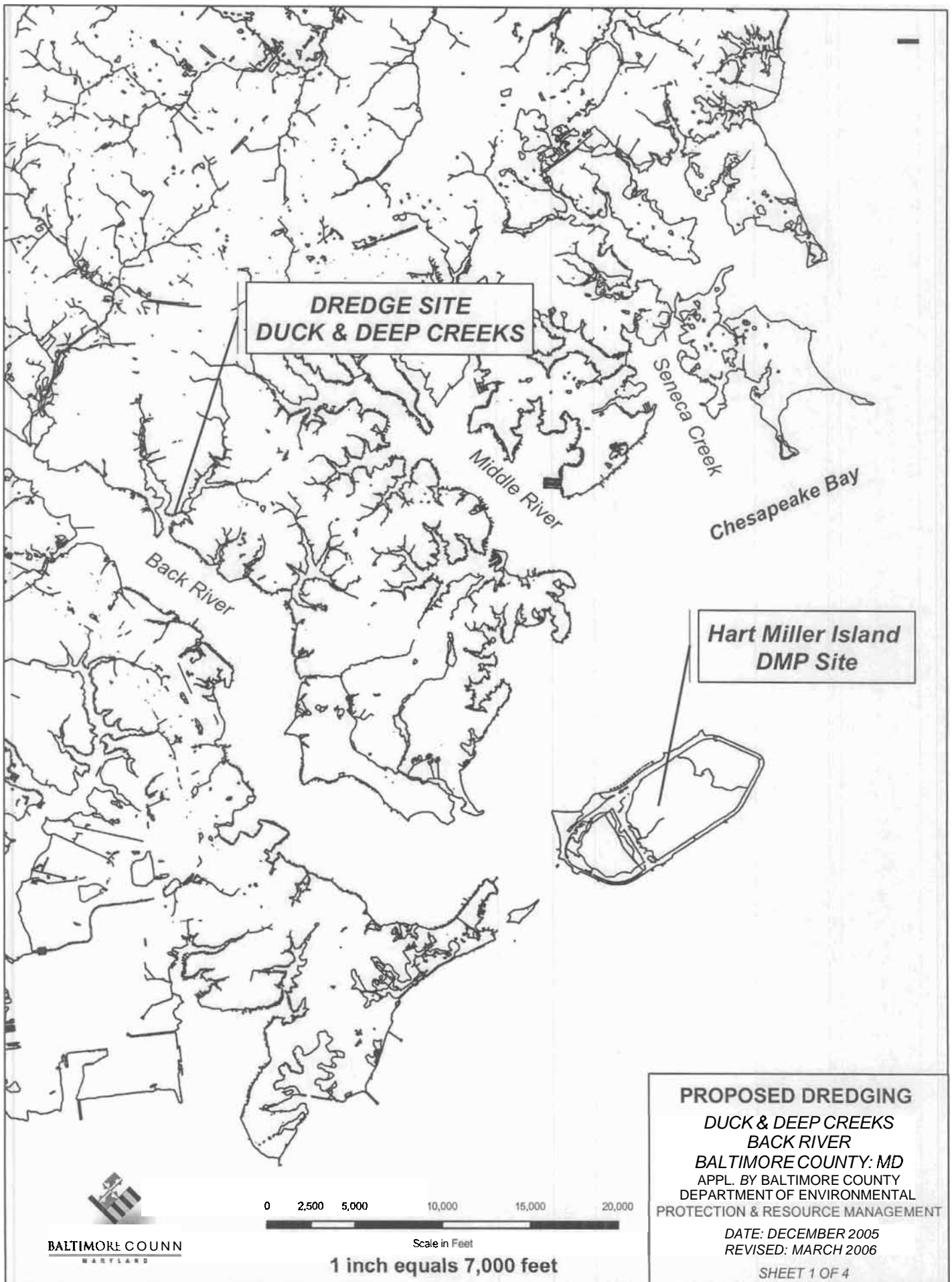
The applicant must obtain any State or local government permits which may be required.

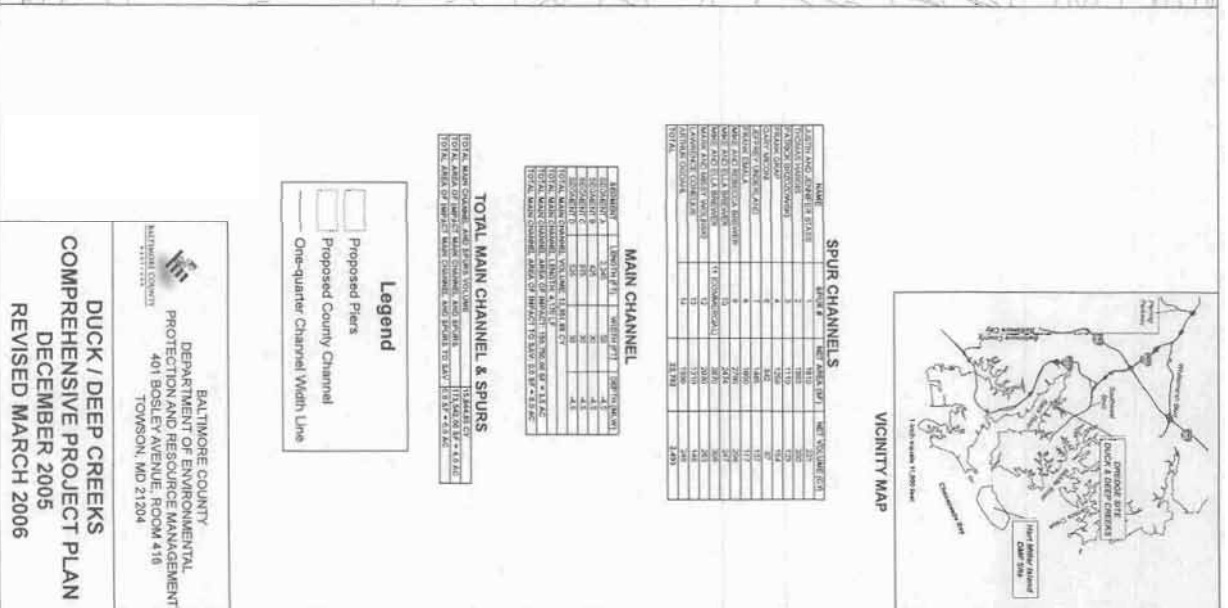
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.



[illegible]

SPUR CHANNELS

Reaction	Reaction Time	Yield (%)	mp (°C)
1,2-dichloro-4,5-dibenzyl-1,3-dioxane	3 days	50	4-5
1,2-dichloro-4,5-dibenzyl-1,3-dioxane	4 days	20	4-5
1,2-dichloro-4,5-dibenzyl-1,3-dioxane	8 days	20	4-5
1,2-dichloro-4,5-dibenzyl-1,3-dioxane	5 days	30	4-5

TOTAL Yields: 1,2-dichloro-4,5-dibenzyl-1,3-dioxane = 1.8 g (4.5%);
 1,2-dichloro-4,5-dibenzyl-1,3-dioxane = 1.8 g (4.5%);
 1,2-dichloro-4,5-dibenzyl-1,3-dioxane = 1.8 g (4.5%);
 1,2-dichloro-4,5-dibenzyl-1,3-dioxane = 1.8 g (4.5%).

MAIN CHANNEL

TOTAL MAIN CHANNEL AND SPILLS VOLUME	15,846,571 CY
TOTAL AREA OF IMPACT MAIN CHANNEL AND SPILLS	111,344,060 SF = 4.0 AC
TOTAL AREA OF IMPACT MAIN CHANNEL AND SPILLS TO BAY	18,837,476 SF = 6.8 AC

TOTAL MAIN CHANNEL & SPURS



Legend

Proposed Piers

Proposed County Channel

One-quarter Channel Width Line



 BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
401 BOSLEY AVENUE, ROOM #10
TOWSON, MD 21204

DUCK / DEEP CREEKS
COMPREHENSIVE PROJECT PLAN
DECEMBER 2005
REVISED MARCH 2006